

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTINE BIROS,)	Civil 2:23-00297
)	
Plaintiff,)	
)	
vs.)	
)	
SHANNI SNYDER, et al,)	
)	
Defendants.)	

OPPOSITION TO REQUEST FOR DEFAULT

Defendant J. Allen Roth, Esq. (“Roth”) files this, his Opposition to the Request for Default:

1. Plaintiff sues for bankruptcy fraud based on a proceeding being actively litigated at *In re: U Lock*, 20283 (Bk. W.Pa.) where it is they, not the undersigned, facing sanctions and possibly engaging in misconduct and fraud. *See* Exhibits A and B.
2. The suit apparently is being filed as some form of discovery tool, to interfere with the Attorney-Client privilege, to create conflicts of interest, and to require disclosure of work product by taking ordinary litigation decisions or results and clumping them together to allege some conspiracy.
3. This case may constitute RICO abuse. *Limestone Dev. Corp. v. Vill. of Lemont*, 520 F.3d 797, 803 (7th Cir. 2008) (affirming dismissal of RICO claim and warning against permitting a plaintiff “with a largely groundless claim to simply take up the time of a number of other people, with the right to do so representing an *in terrorem* increment of the settlement value, rather than a reasonably founded hope that the [discovery] process will reveal relevant evidence”; *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1418 (3d Cir. 1997) (recognizing that

fraud claims pose threat to business' reputation).

4. The suit on its face as to the undersigned appears barred by *Reves v. Ernst & Young*, 494 U.S. 56 (1990) and its progeny.
5. The suit and the RICO case statement fails to show a distinct Enterprise on its face, or even an Enterprise at all.
6. The RICO Case Statement was not filed until March 13, 2023 and forms part of the Complaint.
7. The RICO case statement forms part of the Complaint and is necessary to fully apprise the Court on a motion to dismiss. *Greek Radio Network of America, Inc. v. Vlasopoulos*, 731 F. Supp. 1227, 1234 n. 12 (E.D. Pa. 1990) (referring to Complaint and RICO Case Statement collectively as "the Complaint"); *Heintz Corp. v. Electro Methods*, No. Civ.A. 94-6916, 1995 U.S. Dist. LEXIS 8346, at *3 (E.D. Pa. June 15, 1995) (accepting facts drawn from Complaint and RICO Case Statement as true in considering motion to dismiss); *Chovanes v. Thoroughbred Racing Assoc.*, No. Civ.A. 99-185, 2001 U.S. Dist. LEXIS 375 (E.D. Pa. Jan. 18, 2001).
8. Defendant appeared and filed for an extension of time.

WHEREFORE, Defendant J. Allen Roth respectfully requests that the Request for Default be Denied.

Respectfully submitted,

/s/ J. Allen Roth

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ATTORNEY FOR DEFENDANT